

SA:MKP/TH

**16 M 0129**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

COMPLAINT

-against-

(T. 18, U.S.C., §§ 371, 1951(a),  
924(c)(1)(A)(i), 924(c)(1)(A)(ii), and 2)

DONALD WARREN,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

ANDREW O'CONNELL, being duly sworn, deposes and says that he is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), duly appointed according to law and acting as such.

On or about and between December 28, 2015 and January 14, 2016, within the Eastern District of New York, the defendant DONALD WARREN did knowingly and willfully conspire to commit carjacking, in violation of Title 18, United States Code, Section 2119.

(Title 18, United States Code, Section 371)

On or about January 14, 2015, within the Eastern District of New York, the defendant DONALD WARREN, together with others, did knowingly and intentionally obstruct, delay and affect commerce and the movement of articles and commodities in

commerce to wit: by robbery from a person of United States currency that traveled in interstate commerce.

(Title 18, United States Code, Section 1951(a))

On or about and between December 28, 2015 and January 14, 2016, within the Eastern District of New York, the defendant DONALD WARREN, together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to crimes of violence and did knowingly and intentionally possess a firearm in furtherance of crimes of violence, to wit: the carjacking and robbery conspiracies described above, which firearm was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), and 2).

The source of your deponent's information and the grounds for his belief are as follows<sup>1</sup>:

1. I am a Special Agent with ATF assigned to the ATF and New York City Police Department's ("NYPD") Joint Robbery Task Force, and have been involved in the investigation of numerous cases involving robbery and firearms offenses. My information in this case comes from a review of records of the ATF, NYPD, and other government agencies, and conversations with other law enforcement officers.

2. I have personally participated in the investigation set forth below. I am familiar with the facts and circumstances of the investigation through my personal

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<sup>1</sup> Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not set forth every fact learned during the course of this investigation.

participation; from discussions with other NYPD detectives and other law enforcement agencies; and from my review of records and reports relating to the investigation. Unless otherwise noted, wherever in this Affidavit I assert that a statement was made, the information was provided by another agent or law enforcement officer or witness who may have had either direct or hearsay knowledge of that statement and to whom I or others have spoken or whose reports I have read and reviewed. Such statements are among many statements made by others and are stated in substance and in part unless otherwise indicated. Likewise, information resulting from surveillance sets forth either my personal observations or information provided directly or indirectly through other law enforcement officers who conducted such surveillance.

December 28, 2015 – Best Western Carjacking of Black Mercedes Benz

3. On or about December 28, 2015, at approximately 7:00 p.m., in front of the Best Western hotel located at 144-25 153rd Lane, Jamaica, New York, a black Mercedes Benz with New York license plate EGACPA was taken at gunpoint.

4. The victim ("Victim 1") had just used a restroom at the Comfort Inn located across the street from the Best Western and was sitting in his parked Mercedes Benz when he was approached by two black males. One male entered Victim 1's car through the passenger side door. The second man, whom Victim 1 subsequently identified as an individual referred to herein as Co-Conspirator 1 ("CC-1"),<sup>2</sup> approached the driver's side door and opened it. CC-1 then told the man, in sum and substance, "Give me your wallet or

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<sup>2</sup> On or about January 27, 2016, Victim 1 was shown a photo array by law enforcement officers which included a picture of CC-1. Victim 1 positively identified CC-1 as the man who approached the driver's side door, threatened to shoot, beat him on the head, stole his wallet and drove off in his car.

I'm going to shoot you." CC-1 then proceeded to hit the Victim 1 in the head, forced him out of the car, and stole Victim 1's wallet out of his back pocket.

January 14, 2016 Robbery Of U.S. Currency Withdrawn from a Chase Bank ATM

5. On or about January 14, 2016, at approximately 9:30 p.m., a woman ("Victim 2") returned to her car after using a Chase Bank ATM located at 930 Rosedale Road, Valley Stream, New York. She observed two black males and one black female in a black Mercedes Benz parked directly next to her vehicle. As she entered her car and attempted to close the door, the man who had been sitting in the passenger seat of the Mercedes seized her car door and held it open. That man, whom Victim 2 later identified as DONALD WARREN (as further described in paragraph 9 below), pointed a small black gun at Victim 2's head. WARREN stated, in sum and substance, "Don't try no funny shit. Give me your money and get out of your car." DONALD WARREN ripped two gold chains off of Victim 2's neck and robbed Victim 2 of two rings and her cellular phone. The other black male, who was the driver of the black Mercedes Benz and whom Victim 2 subsequently identified as CC-1 (as further described in paragraph 8 below), entered Victim 2's vehicle from the passenger side. WARREN and CC-1 stole the cash that Victim 2 had taken out of the ATM, as well as her Chase bank card.<sup>3</sup>

6. WARREN and CC-1 then drove away in the black Mercedes. Victim 2 called 911 from a location several blocks away from the robbery. When police responded, Victim 2 advised that the license plate of the Mercedes Benz, which she had a brief

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<sup>3</sup> JPMorgan Chase Bank, N.A., is a national bank with 5,400 branches and over 15,500 ATMs nationwide.

opportunity to view, was numbered "EGAEP," a license plate number nearly identical to the license plate of the Mercedes Benz stolen at gunpoint on December 28, 2015.

7. Victim 2 described WARREN as approximately five foot eight inches with a heavy build, and Victim 2 described CC-1 as approximately six feet tall with a slim build. According to law enforcement databases, DONALD WARREN is five feet and seven inches tall and weighs approximately 215 pounds. CC-1 is six feet tall and weighs approximately 180 pounds.

8. On or about January 26, 2016, Victim 2 was shown a photo array by law enforcement officers which contained a photograph of CC-1. She positively identified CC-1 as the driver of the black Mercedes Benz who robbed her.

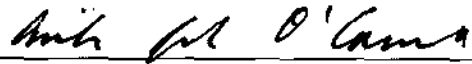
9. On or about January 27, 2016, Victim 2 was shown a photo array by law enforcement officers which included a picture of DONALD WARREN. Victim 2 positively identified WARREN as the passenger of the black Mercedes Benz who held a gun to her head, told her give him her money, and who stole her jewelry.

Recovery of Stolen Property from the December 28, 2015 Carjacking of the Black Mercedes

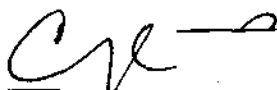
10. On or about January 27, 2016, DONALD WARREN was arrested in connection with an attempted robbery that occurred on January 9, 2016 outside the Hampton Inn located at 144-10 135th Ave, Queens, New York. A victim of that attempted robbery identified DONALD WARREN as a participant. DONALD WARREN was thereafter charged with Attempted Robbery in the First Degree in connection with that crime and is currently in state custody.

11. On or about February 3, 2016, law enforcement recovered, after a lawful search of a location associated with DONALD WARREN, a check book belonging to Victim 1.

WHEREFORE, your deponent respectfully requests that the Court issue an arrest warrant for DONALD WARREN so that he may be dealt with according to law. I further request that this complaint, as well as any arrest warrant issued in connection with this complaint, be filed under seal. Public filing of this document could jeopardize the government's ongoing investigation.

  
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ANDREW O'CONNELL  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives

Sworn to before me this  
17<sup>th</sup> day of February, 2016

  
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THE HONORABLE  
UNITED STATES JUDGE  
EASTERN DISTRICT OF NEW YORK  
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